

UNITED STATES DISTRICT COURT
for the
Southern District of Ohio

FILED
RICHARD W. NAGEL
CLERK OF COURT

10/13/20

United States of America
v.
Kenneth Eugene Evans Jr.

)
)
) Case No.
)
) 3:20-mj-476
)

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/9/2020 in the county of Montgomery in the
Southern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 1951	interference with commerce through robbery
18 U.S.C. s. 924(c)	use, carrying, and brandishing of a firearm during and in relation to a crime of violence
21 U.S.C. s. 841(a)(1) & 841(b)(1) (C)	possession with intent to distribute controlled substances - namely, Oxycodone, a Schedule II controlled substance

This criminal complaint is based on these facts:

See Attached Affidavit of Timur J. Housum

Continued on the attached sheet.


Complainant's signature

Timur J. Housum, SA of the ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 5:55 PM, Oct 13, 2020

City and state: Dayton, Ohio


Michael J. Newman
United States Magistrate Judge



Via electronic means.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Timur J. Housum (“Affiant”), being duly sworn, depose and state the following:

1. I have been employed with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since July of 2015. As a part of my training with the ATF, I graduated from the Federal Law Enforcement Training Center, Criminal Investigator School, located in Glynco, Georgia. I graduated from the ATF Special Agent Basic Training Academy, located in Glynco, Georgia, in February of 2016. I am currently assigned to a Violent Offender Crime Task Force that investigates criminal organizations in the Southern Judicial District of Ohio. Prior to my employment with ATF, I was an Officer with the Uniformed Division of the United States Secret Service and was employed in this position from February of 2011 through July of 2015 where I received additional training. I have been involved in numerous investigations of Federal firearms and narcotic violations. These investigations have resulted in the arrest and conviction of criminal defendants.

2. I make this affidavit in support of a criminal complaint and arrest warrant for **Kenneth Eugene EVANS Jr.**, for violations of 18 U.S.C. §§ 1951(a) (Interference with Commerce by Robbery) and 924(c) (use, carrying and brandishing of a firearm during and in relation to a crime of violence), and 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) (possession with intent to distribute controlled substances – namely, Oxycodone, a Schedule II controlled substances).

3. I make this affidavit from personal knowledge based on my participation in this investigation, including witness interviews and reports by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

4. On or about October 9, 2020, at approximately 1930 hours Montgomery County Sheriff’s Office (MCSO) Deputies were dispatched to an armed robbery that had occurred at Rite Aid Pharmacy, located at 4328 North Main Street, Dayton, Ohio. Law enforcement conducted a review of the surveillance footage from the robbery and confirmed that at approximately 1925 hours two black males hereinafter referred to as SUSPECT-1 and SUSPECT-2 entered the store. SUSPECT-1 approached the pharmacy drop off, presented a note and displayed a suspected firearm at the Pharmacy Tech. SUSPECT-1 then entered the pharmacy by jumping over the counter and demanded the Pharmacist to fill a bag up with prescription pills. SUSPECT-1 and SUSPECT-2 then fled the store on foot with approximately 1,021 Oxycodone prescription pills among others. Law enforcement recovered the note used by SUSPECT-1 in the store. A review of the note revealed a repair receipt for a vehicle work order on a ruby-wine colored 2017 Hyundai Tucson bearing Ohio tag GNG5692 (herein after referred to as SUSPECT VEHICLE).

Upon further review of surveillance footage, law enforcement was able to identify SUSPECT VEHICLE in the area shortly after the robbery.

5. On or about October 12, 2020, Montgomery County Sheriff's Deputies marked units and Dayton Police Department marked units, located the SUSPECT VEHICLE seen fleeing the armed robbery from October 9, 2020. Upon intiatiaion of a traffic stop utilizing overhead lights by law enforcement, the SUSPECT VEHICLE lead marked police units on a high-speed pursuit that reached speeds in excess of 100 mph. During the pursuit, the SUSPECT VEHICLE ran into the grass and while attempting to reenter the roadway collided with a marked MCSO cruiser while fleeing from law enforcement. Law enforcement was able to surround the car near the property of Miami Valley Hospital after the SUSPECT VEHICLE crashed. Law enforcement made contact with the driver, later identified as Kenneth E. EVANS Jr., and placed EVANS in custody.

6. EVANS was transported down to Montgomery County Sheriff's Office, located at 345 West 2nd Street, Dayton, Ohio for questioning. Montgomery County Sheriff's Office Detective Brian Shiverdecker conducted an interview of EVANS. The interview was audio and video recorded. Prior to the interview Det. Shiverdecker administered *Miranda* warning via recitation of MCSO Pre-Interview Form Miranda Warning of Right Waiver. EVANS stated he understood his rights and voluntarily waived his rights and, in response to questioning, stated, in summary and not verbatim, as follows;

7. EVANS admitted to being involved in the armed robbery on October 9, 2020. EVANS further identified himself as SUSPECT-1 and stated that the firearm he was in possession of during the robbery was a 9mm caliber pistol. EVANS also stated he was on active federal parole for a previous conviction related to pharmacy robberies in the Southern Judicial District of Ohio.

8. Your affiant conducted a criminal record check related to EVANS. The records check revealed that EVANS had been previously convicted of an offense punishable by greater than one year in prison based on a review of certified conviction documents. Specifically, EVANS was convicted in the Southern Judicial District of Ohio, District Court case 3:17CR 79(5)TMR, for 18 U.S.C. § 1951 (Interference with Commerce by Robbery).

9. Your affiant contacted Rite Aid theft loss, who provided information regarding shipments of pharmaceutical prescription pills to the specific store robbed by EVANS. Rite Aid shipping invoices showed that all of the pharmaceutical prescription pills were received from a regional distribution center McKesson Corporation located at 4836 Southridge Boulevard in Memphis, Tennessee. This information shows that property of Rite Aid, commercially packaged objects, traveled in interstate commerce during distribution to the point of commercial sale. Therefore, the Rite Aid location effected by EVANS' actions operate in and effect interstate commerce. Additionally, I know based on my training and experience that the amount of controlled substances stolen was a distribution quantity of Oxycodone).

10. Based on the aforementioned facts, Affiant asserts that there is probable cause to issue the above requested criminal complaint and arrest warrant.

Further affiant sayeth naught.



Timur J. Housum
Special Agent, ATF
Cincinnati, Ohio

Subscribed and sworn to before me on this 13th day of October 2020.



Michael J. Newman
United States Magistrate Judge



5:55 PM, Oct 13, 2020

Via electronic means.